

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CIVIL ACTION**
: **NO. 10-5942**
v. :
: **CRIMINAL ACTION**
NATHANIEL HURT : **NO. 05-431**

O R D E R

AND NOW, this 29th day of November, 2011, upon careful and independent consideration of the Motion filed pursuant to 28 U.S.C. §2255 to Vacate, Set Aside, or Correct the Sentence, the response thereto, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart and defendant's Motion Requesting Permission to Amend a Pending Section 2255 (Document 74) deemed to be Objections to the Report and Recommendation, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Motion to Vacate, Set Aside, or Correct the Sentence is **DENIED**.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:



Berle M. Schiller, J.